

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CASEY CUNNINGHAM, ET AL., individually and  
as representatives of a class of participants and  
beneficiaries of the Cornell University Retirement  
Plan for the Employees of the Endowed  
Colleges at Ithaca and the Cornell University  
Tax Deferred Annuity Plan,

*Plaintiffs,*

v.

CORNELL UNIVERSITY, ET AL.,

*Defendants.*

Civil Action No. 16-cv-6525

Hon. P. Kevin Castel

**DEFENDANTS' NOTICE OF MOTION TO STRIKE PLAINTIFFS' JURY DEMAND**

Please take notice that, upon the accompanying Memorandum of Law, dated February 14, 2018, Defendants will move this Court before The Honorable P. Kevin Castel, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 11D, New York, New York 10007, at a time and date to be set by the Court, for an Order striking Plaintiffs' jury demand pursuant to Federal Rule of Civil Procedure 39(a)(2).

Dated: February 14, 2018

/s/ Eric S. Mattson (with permission)

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that, on February 14, 2018, a copy of the foregoing was filed electronically using the Court's CM/ECF system, which will provide notice of the filing to all counsel of record.

By: /s/ Brian D. Netter

Brian D. Netter